

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 07/2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
DIVISION

FILED

APR 18 2022

Clerk, U.S. District Court
Eastern District of Texas

Jeremy Moore #44435
Plaintiff's Name and ID Number

Lamar County Jail
Place of Confinement

CASE NO. 4:22cv323 SDJ/CAN
(Clerk will assign the number)

v.

City of Paris Police Department 2910 Clarksville St. Paris, TX 75460
Defendant's Name and Address

Defendant's Name and Address

Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of **\$402.00**.

2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.

3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)

4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: _____

2. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

3. Court: (If federal, name the district; if state, name the county.) _____

4. Cause number: _____

5. Name of judge to whom case was assigned: _____

6. Disposition: (Was the case dismissed, appealed, still pending?) _____

7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Lamar County Jail

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff:

Jeremy D. Moore #44435
2352 Culbertson St. Paris, Texas 75460 (Home)
125 Brown Avenue Paris, Texas 75460 (Current)

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: City of Paris Police Department Officer Helms,
Officer Wahlquist 2910 Clarksville St. Paris, Texas 75460

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Officer Wahlquist used excessive force & committed an illegal

search & seizure act
Defendant #2: Officer Helms used excessive force & committed an illegal
search & seizure act.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

City of Paris Police Department 2910 Clarksville St. Paris TX 75460

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On 3-16-22 at approximately 09:13 hours, Officer Helms & Officer Wahlquist pulled my vehicle over for clothing blowing out of the bed of my vehicle (supposedly). As I pulled over I noticed my wallet was in the passenger floor board. Forgetting that my seat belt was still on me, causing me to come up short on my first attempt, I regrouped this time being able to grab it I placed it in my right pocket. They both came to the side my wallet had originally

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Make the City of Paris Police Department suspend both officers from duty w/o pay & monetary relief

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

JEREMY DASHUAN MOORE

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#44435

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: _____
DATE

Jeremy Moore
Jeremy Moore
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 11 day of April, 2022.
(Day) (month) (year)

Jeremy Moore
Jeremy Moore
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

been on. I rolled my passenger side window down to start conversing with them. Officer Wahlquist asked me was I aware of clothing blowing out of my pick-up. I responded by saying "no, thank you for letting me know, I'll go back & retrieve it". Wahlquist then said "Before I let you go, do you have license & registration" I replied "yes". I then got my wallet out of my right pocket & he asked me why was I reaching on the passenger side & I replied that I was getting my wallet. Officer Wahlquist then asked were there any weapons in the vehicle? I told him "no"! He then stated if nothing is in here why can't he search? I then said there is no reason to search! After going back & forth about him searching I grabbed my cell phone to attempt to start recording his actions. My phone was ringing at the moment, when I went to answer a notification came from my neighbor stating who it was & she was asking if I was OK. I tried to answer it but I didn't swipe long enough. I put the phone to my ear immediately thinking I answered it but it didn't answer. I thought

it answered, as I was putting to my ear I said "Hey can you come up here!!". When I realized no one was on the phone, I glanced back at my phone. That's when Officer Wahlquist & Officer Helm came to my side opened my door then started man-handling me. ~~The~~ The way they were trying to get me out had me terrified that they were going to hurt me so I grabbed my steering wheel to hold on while I was begging them to stop. I had a jacket noodle & Wahlquist was yanking my hood of jacket so hard that it cut half-way around my neck & I have a scar that will be there for the rest of my life. Officer Helms was grabbing my feet at the same time & once he realized that he couldn't move me he then pulled out his taser & jammed it in my leg & threatened to use it if I didn't get out of the vehicle in 5 seconds. I repeatedly asked why were they doing this to me, then they stated I was being detained. I asked "why?" Officer Helms then pointed his Taser at my face & threatened to use. Luckily to my advantage a cop pulled up to the scene, a cop that I KNEW & TRUSTED. Officer Henderson

came to the vehicle + asked what was going on before initially getting involved. I immediately told him that these officers were being rough + aggressive. I then proceeded to get out the vehicle on my own for the trusted officer. As I got out officer Helms + Wahlquist grabbed + bent my arms so much I came off the ground six inches to a foot in the air. As Helms put cuffs on me, they proceeded to put me in their cruiser but Henderson insisted on ~~me~~ me getting in his. I was then ~~change~~ took to Paris Police Dep. During their search after my arrest I was charged with resisting arrest, failure to maintain load, + possession of marijuana, and they seized the money I had on my person. In the report of my arrest officer Helms + Wahlquist wrote the reason they felt they needed to get me out the vehicle for his safety is because I was known for guns/weapons. I've never been caught with any weapon, never owned any weapons, never had any dealings with the 2 rookie cops that stopped me. I'm writing this complaint because my rights were violated + was a victim of excessive force from the Paris Police Department. They were wrong on their initial thought to search me on the basis of me never being charged

of owning a weapon. In this day & time African American males are gunned-down by police all of the time. Help me take a stand against these actions. Thankfully for me I survived this incident & only have a scar from this but I'm alive & my thanks goes to officer Henderson showing up & being the MADD he is! All of this took place in Paris, Texas. Also, 3 days later a Caucasian male named Jeremy Moore was arrested for having weapons! Everything about us is different besides first & last name.

~~Respectfully Submitted~~

~~Jeremy D. Moore~~